

NOV 14 2007

**KRIEG · DEVAULT** LLP  
ATTORNEYS AT LAW**FAX COVER PAGE**

DATE: November 14, 2007

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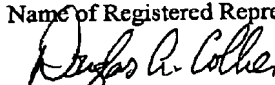
TO: Examiner Javier G. Blanco, Group Art Unit 3774  
COMPANY: U.S. Patent and Trademark OfficeFAX NUMBER: 571-273-8300  
PHONE NUMBER:

FROM: Douglas A. Collier

DIRECT DIAL: (317) 238-6333  
FAX NUMBER: (317) 636-1507

RE: Interview Summary for U.S. Patent Application No. 10/721,642 to George Frey et al.

COMMENTS: I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office at 571-273-8300 on:

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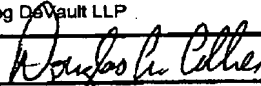
<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	10/721,642
	Filing Date	November 25, 2003
	First Named Inventor	George Fray et al.
	Art Unit	3738
	Examiner Name	Javier G. Blanco
Total Number of Pages in This Submission	Attorney Docket Number	MSDI-283/PC401.15

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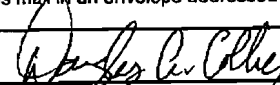
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ENCLOSURES (Check all that apply)		
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Remarks		

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Krieg Devault LLP		
Signature			
Printed name	Douglas A. Collier		
Date	November 14, 2007	Reg. No.	43,556

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Typed or printed name	Douglas A. Collier	Date	November 14, 2007

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re patent application of:	)	
	)	Before the Examiner
George Frey et al.	)	Javier G. Blanco
	)	
Serial No.: 10/721,642	)	Group Art Unit: 3774
	)	
Filed: November 25, 2003	)	Attorney Docket: MSDI-263/PC401.15
	)	
DEVICES AND TECHNIQUES FOR A	)	November 14, 2007
POSTERIOR LATERAL DISC SPACE	)	
APPROACH	)	

**INTERVIEW SUMMARY**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the telephonic interview conducted between Examiner Blanco and the undersigned representative on October 17, 2007, and October 25, 2007, please enter the following Interview Summary. Additionally, please provide any extensions of time necessary and charge any additional fees which may be necessary to Deposit Account No. 12-2424, but not to include any payment of issue fees.

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Douglas A. Collier  
Name of Registered Representative

  
Signature

November 14, 2007  
Date of Signature

Interview Summary  
Application Serial No. 10/721,642  
Atty Docket No. MSDI-263/PC401.15  
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**RECORD OF SUBSTANCE OF INTERVIEWS**

The Applicant's representative thanks Examiner Blanco for the courtesy of a telephonic interview on October 17, 2007 to further prosecution of the subject application. Independent claims 1, 8, 53, 61 and 66 were discussed during the telephonic interview with regard to the cited references EP 0916323; U.S. Patent No. 5,607,424; WO 97/15248; WO 99/37255; U.S. Patent No. 6,086,613; WO 97/23175. Applicant's representative identified features of the present invention not disclosed in the references, including the shape of the implant and the struts between the anterior and posterior walls. Examiner Blanco suggested addition of claim language to define the implant as a boomerang shaped spinal implant comprising at least one strut on the upper bearing surface and at least one strut on the lower bearing surface connecting the anterior wall to the posterior wall to overcome the rejections based on the references. Examiner Blanco also suggested defining the height to extend from the lower bearing surface to the upper bearing surface. Since the current action is under final, Examiner Blanco indicated the suggested claim amendments required further consideration and should be presented along with a Request for Continued Examination or in a continuation application.

Applicant's representative also thanks Examiner Blanco for the examiner-initiated conversation on October 25, 2007. Examiner Blanco suggested amendments to claim 57 that were incorporated into claim 57 via Examiner's Amendment mailed with the Notice of Allowance dated November 8, 2007. No prior art was discussed.

Respectfully submitted,

By: 

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Interview Summary  
Application Serial No. 10/721,642  
Atty Docket No. MSD1-263/PC401.15  
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